

REMARKS

This responds to the Final Office Action dated April 14, 2010.

Claims 1, 4, 9- 11, and 16-19 are amended; claims 3, 5-6, 12-15, and 21-22 are canceled; and no claims are added. As a result, claims 1-2, 4, 7-11, and 16-20 are currently pending in this application.

Support for the amendments to independent claims 1, 9, and 16 can be found in the application as filed, as well as, for example, claims 5 and 6 prior to amendment. Applicants therefore submit that no new subject matter is introduced by the amendments.

Interview Summary

Applicant thanks Examiner Fatoumata Traore for the courtesy of a telephone interview on July 6, 2010 with Applicants' representative Garth Vivier and Jacobus A. Look.

During the interview, it was submitted that the Office Action's interpretation of the phrase "*a control unit... used to control the network*" was overly broad, and that the Sit and Grantges references fail to disclose that this claim feature. No agreement was reached in this regard.

Agreement was reached that incorporation in the independent claims of the features recited in claims 5 and 6, prior to the current amendment, would arguably serve to distinguish the independent claims non-obviously over the disclosure of the cited references, and reconsideration of the rejection of these claims under § 103 would be required.

The Rejection of Claims Under § 103

Claims 1, 3, 6, 7, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sit et al (US 6,349,336; hereafter "Sit") in view of Grantges, Jr (US 6,324,648; hereafter "Grantges"). Claims 9, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sit in view of Grantges in further view of Schweitzer (US 2002/0038364). Claims 2, 4, 5, 8, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sit in view of Grantges in further view of Xu et al (US 7,257,837). Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sit in view of Grantges in further view of Devine (US

6,968,571; hereinafter “Devine”). Claims 10, 11, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sit in view of Grantges in further view of Schweitzer and Xu. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine in view of Smith (6,341,311).

Applicants submit that independent claims 1, 9, and 16, as amended are non-obvious over the cited references.

1) *The Applicable Law*

KSR v. Teleflex provides a tripartite test to evaluate obviousness. “A rationale to support a conclusion that a claim would have been obvious is that ***all the claimed elements were known*** in the prior art and one skilled in the art could have combined the elements as claimed by known methods ***with no change in their respective functions***, and ***the combination would have yielded nothing more than predictable results*** to one of ordinary skill in the art.”¹

2) *Application of § 103 to the Rejected Claims*

Applicants respectfully submit that independent claims 1, 9, and 16 are non-obvious under the guidance of *KSR*, as the cited references neither disclose all the claimed elements of respective independent claims.

For example, claim 1, as amended, recites:

configuring ***a first control unit***, inside a first firewall, the first control unit separate from the first firewall and ***used to control the network***, configuring of the first control unit including:

querying a proxy server outside the first firewall from the first control unit to obtain a proxy server IP address,

receiving proxy server identification information with respect to the proxy server outside the first firewall, the proxy server identification information including the proxy server IP address,

generating an access key in the first control unit, and

sending the access key and first control unit identification information to the proxy server;

configuring the proxy server outside the first firewall, configuring of the proxy server including:

¹See *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 U.S.P.Q.2d 1385 (2007)). Emphasis added.

receiving the first control unit identification information,
storing the first control unit identification information in the proxy
server,
adding the first control unit as a first remote device, and
exchanging a validation message between the first control unit and
the proxy server,
*establishing a session between the first control unit and the proxy server by
use of the access key; and*
establishing a connection between the proxy server and a console, to permit
remote user management of the network by communication between the first control
unit and the console via the proxy server.²

As discussed during the above-summarized Examiner interview, the cited references fail to disclose each of the claim features of claim 1. For example, the Office Action concedes that the claim features of the receiving proxy server identification information, generating an access key in the first control unit, and sending the access key and first control unit identification information to the proxy server are not disclosed by the references, but takes Official Notice that these features was conventional and well known.³

It is to be noted that the above-noted claim features of receiving proxy server information, generating an access key, and sending the access key and control unit identification information to the proxy server recite not merely the receiving of information, the generation of an access key, and the sending of the access key together with identification information, but are directed particularly to the performance of these operations by a control unit, separate from a firewall, with respect to a proxy server which is located outside the firewall. Applicants thus respectfully traverse this Official Notice and request the Examiner to provide a reference that describes such an element. Absent a reference, it appears that the Examiner is using personal knowledge, so the Examiner is respectfully requested to submit an affidavit as required by 37 C.F.R. § 1.104(d)(2).

In addition, Applicants reiterate the arguments set forth in an earlier response regarding nondisclosure by Sit of a first control unit, inside a first firewall... used to control the network.⁴

² Emphasis added.

³ Office Action, page 5, lines 6-12.

⁴ Response to Office Action, filed January 4, 2010, page 11-12.

For the reasons set forth above, at least one claimed feature of independent claim 1 is neither taught nor suggested by the abovementioned references, and the features of the references could not be combined to provide the recited systems without changing their respective functions. Therefore, under the guidance of *KSR*, the above-listed independent claims are non-obvious over these references.

Independent claims 9 and 16 each include claim elements similar or analogous to those discussed above with reference to claim 1, and the above arguments thus apply *mutatis mutandis* to these independent claims. In addition, any claim depending from a non-obvious independent claim is also non-obvious.⁵ Therefore, claims 2, 4, 7-8, 10-11, and 17-20 should also be in condition for allowance, and Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-2, 4, 7-11, and 16-20 under 35 U.S.C. § 103(a).

⁵ See MPEP § 2143.03.

CONCLUSION


Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (408) 278-4041 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402--0938
(408) 278-4041

Date July 12, 2010

By 

Garth Vivier
Reg. No. 57,313

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12th day of July, 2010.



Jonathan Ferguson